

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>BLACK EMERGENCY RESPONSE</b>	)	
<b>TEAM et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-21-1022-G</b>
	)	
<b>GENTNER DRUMMOND, in his official</b>	)	
<b>capacity as Oklahoma Attorney</b>	)	
<b>General, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

On August 11, 2025, the Court ordered that oral argument be held on Plaintiffs’ pending Motion to Compel (Doc. No. 223) on Thursday, August 21, 2025, at 1:00 p.m. The Court herein MODIFIES that prior order as set forth below.

In Count IV of the Amended Complaint (Doc. No. 50), as currently operative: (i) Plaintiff Oklahoma State Conference of the National Association for the Advancement of Colored People brings a claim for violation of equal protection against the State Defendants;<sup>1</sup> and (ii) Plaintiffs Precious Lloyd, as next friend of S.L., and American Indian Movement Indian Territory bring a claim for violation of equal protection against certain of the State Defendants. *See id.* ¶¶ 177-189 (collectively, the “Equal Protection Claim”); Order of June 14, 2024 (Doc. No. 172); Pls.’ Stipulation of June 30, 2025 (Doc. No. 254).

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<sup>1</sup> The State Defendants are, in their official capacities: Kevin Stitt, as the Governor of Oklahoma; Gentner Drummond, as Oklahoma Attorney General; Ryan Walters, as Oklahoma Superintendent of Public Instruction; the members of the Oklahoma State Board of Education; and the Oklahoma State Regents for Higher Education.

On August 18, 2025, after the Motion to Compel was set for hearing, the State Defendants filed two Motions for Protective Order and to Quash (Doc. Nos. 276, 277), challenging Plaintiffs' deposition notices and issuance of subpoenas regarding the Equal Protection Claim. The State Defendants also filed a Renewed Motion for Judgment on the Pleadings (Doc. No. 275), citing a newly issued Tenth Circuit decision<sup>2</sup> and seeking relief under Federal Rule of Civil Procedure 12(c) as to the Equal Protection Claim.


In both the Motion to Compel and the State Defendants' motions, the parties dispute the scope of proper discovery on the Equal Protection Claim and seek the Court's relief in connection with multiple aspects of that discovery. Plaintiffs have not yet had the opportunity to respond to the newer discovery motions, however. Nor have Plaintiffs yet been able to submit a response to the State Defendants' Renewed Motion for Judgment on the Pleadings, in which the State Defendants argue that discovery on the Equal Protection Claim should be prohibited or limited pursuant to applicable case law.

Further briefing on these overlapping issues is warranted prior to any presentation of oral argument by counsel. The Court therefore FINDS that such argument as to Plaintiffs' Motion to Compel would be premature at this juncture. The hearing set for August 21, 2025, is STRICKEN, to be reset by later order of the Court if required.

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<sup>2</sup> See *Poe ex rel. Poe v. Drummond*, No. 23-5110, \_\_ F.4th \_\_, 2025 WL 2238038 (10th Cir. Aug. 6, 2025).

IT IS SO ORDERED this 19th day of August, 2025.

  
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CHARLES B. GOODWIN  
United States District Judge